

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**IRA WHITE, et al.,**

**Plaintiffs,**

**v.**

**CIVIL ACTION NO.: 2:05-0965  
(Consolidated with 2:05-0966,  
2:05-0987 through 2:05-1132,  
2:05-1151 through 2:05-1154)**

**RAWL SALES AND PROCESSING  
COMPANY, a West Virginia corporation,  
and MASSEY ENERGY COMPANY,  
a Delaware corporation,**

**Defendant.**

**DEFENDANTS' NOTICE OF APPEAL**

Notice is hereby given that Defendants Rawl Sales & Processing, Co., and Massey Energy Company, appeal to the United States Court of Appeals for the Fourth Circuit from the May 8, 2006 Memorandum Opinion and Order of the District Court granting in part Plaintiffs' Motion to Dismiss and granting Plaintiffs' Motion to Remand.

**RAWL SALES & PROCESSING, CO.  
and MASSEY ENERGY COMPANY**

By Counsel

/s/ Daniel L. Stickler

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**CERTIFICATE OF SERVICE**

I, Daniel L. Stickler, hereby certify that on the 7th day of June, 2006, I have electronically filed the foregoing ***Defendants' Notice of Appeal***, and mailed, by United States Mail, postage prepaid, to the following non-CM/ECF participants:

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